

Care Inspectorate Complaints Procedure Consultation Response from Scottish Childminding Association (SCMA)

Question One:

Currently we do not attempt frontline resolution of complaints about registered care services. However, we do encourage complainants to use the Providers Complaints Procedure in the first instance. In line with other public bodies should the Care Inspectorate have front line resolution in their complaints procedure for registered services?

SCMA's Response:

Yes. Anything that will speed up the process and resolve seemingly simple issues is to be welcomed. This may also be considered by the childminder as less traumatic and therefore, easier to survive. In some cases it may result in a formal complaint investigation and the childminding service may be suspended, pending investigation.

Question Two:

Currently we do not have mediation as a possible means of complaint resolution. In line with other public bodies should the Care Inspectorate have mediation in their complaints procedure for registered services?

SCMA's Response:

Yes. The cases that SCMA deal with on our Helpline; whether from a childminder or a parent, are often due to a breakdown in communications. The option of mediation would be welcome and is something that SCMA would be happy to assist with. Complaints about poor quality of care are often wrapped up in disputes regarding fees or the childminding contract, and we regularly talk to both parties to aid a resolution.

Question Three:

The request for a review of a complaint can only be made following a thorough complaint investigation and is only available to the complainant – not the registered service complained about. We will only consider a request for review if it is done on the basis that we have not followed our own complaints procedure when investigating a complaint or that the investigation process itself was flawed.

We currently have one internal review process available to the complainant. They can request a review by a Care Inspectorate manager. Should we introduce a review stage for the service being complained against?

SCMA's Response:

Yes. The Care Inspectorate has made it clear in the draft procedure that neither party can request a review simply on the grounds that they do not agree with the outcome.

We often get feedback from childminders who feel the facts have not been satisfactorily understood or that they have not disclosed information that they now understand to be relevant. More often they are so upset by the complaint interview - however sensitively held - that they would request a review to have a friend present to support them and assist with the investigation.

There is a concern that this will simply prolong the investigation. However, for a childminder having a complaint upheld is deeply personal. Some have found it so traumatic they have stopped childminding.

Without support, the childminder often feels that the Care Inspectorate's formal investigation puts them at a distinct disadvantage. They are faced with formal letters that they find difficult to understand and a process that appears to be confrontational. They will regularly express their frustration to SCMA and tell us that decisions come down to their word against that of the parent.

Anything that can help re-balance the process would be welcomed and if improvements are necessary then these could appear to be fairer and more considered.

Question Four:

Currently we only review complaints that have been not upheld. Should our review process be for all complaints whether or not they are upheld or not upheld?

SCMA's Response:

Our childminder members would welcome an option to hold a review, irrespective of the decision. Potentially, this could lengthen an already traumatic process; however that would be preferable to feeling that something has been missed.

In some cases, the complaint has resulted in the childminding service being suspended, pending the outcome of the investigation. While a delay may cause additional problems, ensuring that the final decision is fair would be preferable.

Question five:

Have you any other comments on the draft procedure that you want to make?

SCMA's Response:

Handling anonymous complaints:

It would be helpful to have a clearer statement about how the Care Inspectorate deals with vexatious complaints, especially where they are made anonymously. These can have serious consequences for a childminding service.

In some cases this type of complaint can involve more than one body, and the Police, Social Services or the local school may be notified. For childminding services, this can result in multiple investigations, constant stress and disruption to someone who is working by themselves. It may even result in a request for the childminder to suspend their service if the complaint is in relation to child safety.

While all complaints must be taken seriously, there must also come a time when a decision is taken not to investigate especially in the case of anonymous complaints.

Working with other regulatory and public bodies:

Investigations become particularly difficult when other public bodies are involved - particularly when it involves the Police or Social Services - and the childminder is normally asked to suspend their service, pending investigation.

While the safety of children is of paramount importance, the lack of information is particularly difficult for all to deal with. It can be disruptive and upsetting for other children using the service who at short notice must be moved.

There are no indications for other service users about how long – or, if ever - the service will re-open or notification of the progress of investigations. While it is not the responsibility of the Care

Inspectorate to rate the progress of an investigation by the Police or Social Services, better communications would be an improvement to all concerned, not least of all other children using the service.

Stage One – When to escalate to the investigation stage:

Complaints regarding a childminder that are one-to-one, i.e. parent against childminder; I can envisage many complaints being escalated to a more formal investigation. Making attempts to resolve the complaint more speedily would be helpful; however I am concerned that this may result in more delays and further disruption for service users.

It is very difficult for a lone worker to maintain their business and provide a quality service for other children whilst an investigation is in progress.

Stage Two - Investigation:

What happens when SCMA receives a complaint about a childminder for investigation? Ensuring the complainant and the Care Inspectorate are clear about the scope of the investigation is essential. This also applies to the person or service that is being complained about.

We receive calls at SCMA where the childminder may appear to be confused regarding the nature of the complaint and this cannot be helpful to any investigation. Additional clarity about the nature of the complaint would be helpful for the service being complained about.

Learning from complaints:

This is such a vital and important section for all service users. SCMA speak to a variety of different childminders and even very experienced members can feel caught out by technicalities within the legislation that they were previously unaware of.

The outcome of the investigation is made public on the Care Inspectorate website and this can be devastating for the childminder for whom this is deeply personal. The wording of the complaint should relate to the wording in the Act, but this does not always describe the actual complaint or the outcome.

Support for the service provider whilst feedback is given would be an improvement, and this is a service that SCMA can provide if requested.

The action plan:

SCMA feels strongly that it would be an improvement if the action plan, which outlines any recommendations and requirements, is made available on the website. Ideally this would display the actions required, the agreed dates and update when actions are completed.

Service users currently only know that a complaint has been made and that it has been upheld - they are unaware of what action is agreed to ensure the service has improved or when the actions are due for completion. With regards to childminding services, this is unhelpful for the public who are unable to put any context around the investigation. The complaint remains visible to potential service users who are unaware of the progress that may have been made.

Maggie Simpson
Chief Executive, Scottish Childminding Association (SCMA)
childminding.org
23 February 2015

